REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-38 are pending.

Claims 1, 13, 20 and 32 stand rejected under §103(a) as being unpatentable over Levin et al. in view of St.-Pierre et al. and further in view of Schloss and further in view of Saylor and in further view of Meyerzon, et al. This rejection is respectfully traversed.

Independent claims 1, 13, 20 and 32 are directed to execution of an application to deliver voice portal services. Claim 1 specifies a method in an application server for executing an application to deliver voice portal services that includes receiving a HTTP request for execution of a prescribed voice portal service application for a subscriber; accessing attribute information for the subscriber from an Internet Protocol (IP) based database server configured for storing subscriber attributes; sending a request to a content server for media content based on the HTTP request and the attribute information; and generating an HTML page for execution of the prescribed voice portal service application having XML tags configured for controlling delivery of the media content in an audible format, based on the HTTP request. The HTML page is generated by an application instance executed by the server, and the application instance is terminated based on the HTML page having been output to a browser. Claims 13 and 32 specify a server, and claim 20 specifies a computer readable medium having instructions for performing the steps as specified in claim 1.

The Examiner is merely using applicants' specification as a template as is evidenced by the Examiner's piecemeal application of five references without considering the teachings of each reference in its entirety and is improperly using hindsight justification for the rejections. "It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious." In re Fritch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. MPEP §2141.02, page 2100-127 (Rev. 2, May 2004)

(citing W.L. Gore & Assoc. v. Garlock, Inc., 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)). Furthermore, the combination of references cited by the Examiner, does not teach or suggest the claimed invention for the following reasons.

Levin does not teach receiving an HTTP request for a voice application. Levin merely receives a voice request for a voice application (See column 4, and 5 of Levin). At column 5, Lines 6-11, Levin teaches that once the information server receives the user's query, it retrieves the relevant grammars for processing the query. Then, a communication between the information server and the service host is established . The information server sends the user's query retrieved grammars to the service host. This is not a teaching of receiving an HTTP request for a voice application. Thus, it is submitted that one of ordinary skill in the art would not modify Levin based on the secondary references in the manner suggested by the Examiner, since Levin does not teach or suggest receiving an HTTP request for a voice application.

The Examiner cites St. Pierre as disclosing accessing attribute information for a subscriber from an IP based server. However, St. Pierre discloses a centralized database server for multiple network types. Column 6, lines 57-63 of St. Pierre indicated that, "Each communications network then communicates with the centralized administrative node 260 and/or the database 250 to consolidate or correlate the relevant data." The claims specify, in an application server, accessing attribute information for the subscriber from an Internet Protocol (IP) based database server configured for storing subscriber attributes, which is not suggested by St. Pierre. St. Pierre discloses a centralized database server for multiple network types. Column 6, lines 57-63 of St. Pierre indicated that, "Each communications network then communicates with the centralized administrative node 260 and/or the database 250 to consolidate or correlate the relevant data." St. Pierre merely discloses that a MSC 30 may include an IP router 740 for routing IP packets (see column 7, lines 22-25). This has no relation to the centralized database 250 of St. Pierre. Disclosure of an IP router is not a suggestion that the central database 250 could be an IP database server.

Schloss merely discloses an advisory server that blocks unwanted/offensive content and does not teach or suggest sending a request to a content server for media content based on the HTTP request and attribute information.

Saylor merely provides an implementation of VoiceXML. Applicants submit that Saylor teaches a system for receiving content via a voice-based telephony device. In particular, text-based content on a text-based medium (e.g., a newspaper) displays a corresponding "Vcode" on the text-based medium; the text-based content is stored (i.e., registered) in a server as a Vpage that references the Vcode. Various forms of text-based content are converted into VoiceXML based Vpages for execution by a voice browser. Once the VoiceXML based Vpages are created and stored, a user can initiate a telephone call (via telephone) to a call center 26 (see Fig. 7) to initiate a session via a VoiceXML based voice browser 35; the voice browser 35 interacts with a voice server 43 via an interpreter 41 in order to retrieve the content based on the corresponding Vcode. A text to speech resource 37 and/or a speech recognition resource 39 may be used to convert text and speech.

Moreover, Saylor relies on VoiceXML (or VoiceXML-based Telecaster Markup Language (TML)) tags to the exclusion of HTML tags -- Saylor deliberately avoids using existing web-based information delivery techniques (such as HTML) because of the requirement to utilize a computer and web browser to access its contents (col. 1, lines 34-36). There is no disclosure or suggestion that the VoiceXML language tags can (or would) be implemented in an HTML page: Saylor relies on VoiceXML instead of HTML tags in order to provide voice-specific control information for accessing any content via its corresponding V-code. Levin is directed to using natural language query to retrieve information from a data resource using a computer.

With reference to page 6 of the VoiceXML specification dated August 17, 1999, VoiceXML documents are read by a VoiceXML interpreter. As indicated at pages 12-13 of the specification, it is evident that VoiceXML documents are intended to be used solely and exclusively, e.g., without HTML.

Hence, one having skill in the art would not have been motivated to combine Levin and Saylor, because: (1) Levin is directed to accessing a data resource using a browser executed on a computer; (2)

Saylor is directed to accessing randomly-accessible content via a telephone in a manner that specifically avoids use of a browser; and (3) Saylor describes the advantages of VoiceXML as a replacement for browser-based execution of HTML.

Meyerzon merely teaches that HTML tags embedded in a Web document can be read. Meyerzon simply does not teach or suggest generating an HTML page for execution for the prescribed voice portal service application having XML tags configured for controlling delivery of the media content in an audible format, based on he HTTP request. Meyerson teaches the use of HTML or XML tags. Thus, the resulting hypothetical combination would not disclose or suggest generating an HTML page having XML tags, as claimed.

The Office Action fails to provide any evidence that one having ordinary skill in the art would have been motivated to modify the teachings of Levin to obtain the invention claimed in independent claims 1, 13, 20 and 32. "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." In re Fritch, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992).

Furthermore, the hypothetical combination would neither disclose nor suggest an application server that generates an HTML page having XML tags configured for controlling delivery of the media content in an audible format, based on the HTTP request, with the HTML page being generated by an application instance executed by the server, and the application instance being terminated based on the HTML page having been output to a browser.

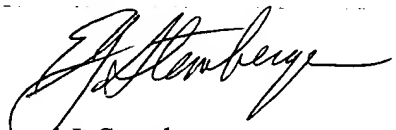
For these and other reasons, independent claims 1, 13, 20 and 32 are patentable over Levin in view of the secondary references. Hence, these rejections should be withdrawn.

Claims 2-12, 14-19, 21-21 and 33-38 are believed patentable in view of their dependency from the respective independent claims.

In view of the foregoing, it is believed this application is in condition for allowance, and such as Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-419, and please credit any excess fees to such deposit account.

Respectfully submitted,



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Date: December 7, 2004